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SUMMARY RECORD OF THE 283rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 January 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Finland (continued) (CRC/C/8/Add.22; CRC/C.11/WP.6)

1. At the invitation of the Chairperson, Ms. Hansson, Ms. Heiliö, Ms. Kaivosoja, Mr. Korhonen, Mr. Lähteinen, Mr. Littunen, Ms. Pietarinen and Mr. Veltheim (Finland) took places at the Committee table.

2. Ms. HANSSON (Finland) said that her Government was able to meet the material needs of Finnish children and had taken measures to ensure that their dignity was fully respected. None the less, full consideration was not always given to the child's point of view. Like other European countries, Finland had an increasingly large middle-aged population and it was the voice of that group which tended to predominate. Young people had become less interested in politics and were seeking other ways of changing society. The Government needed to make greater efforts to solicit the views of young people and take them into consideration in policy-making. In that connection, she was distributing a report on child welfare and child policy, submitted to the Finnish parliament in October 1995. It emphasized that greater attention should be paid to the views and opinions of children and young people. It also contained detailed information on the impact on child welfare of cuts in public spending. In that connection, steps were being taken to ensure that children did not suffer from social exclusion as a result of the decrease in resources.

3. Most young people between the ages of 15 and 17 were still in school, but a small number in that age group were part of the labour force and their conditions of employment were regulated by special legislative provisions. Finnish legislation in that area was similar to the European Social Charter, but less restrictive than the directives of the European Union and therefore under review at present.

4. Only one case from Finland had been tried before the European Court of Human Rights. The case had concerned a conflict between two parties, parent and grandparent, over the custody of a young girl. In the final decision, the Court had given more weight to the interests of the child than to those of her father and had stressed that national courts were in a better position to assess the evidence on which the custody decision would be based.

5. While the case could have been handled under existing legislation, her Government had decided to enact new legislation relating to custody decisions. The publicity surrounding the case had increased general awareness of the issues involved and had drawn attention to the existence of an international court of human rights.

6. Mr. LÄHTEINEN (Finland) said that there were no significant differences between municipalities in his country in terms of the overall general services available to children. During the 1970s and 1980s, Finland had implemented a strict system of State planning: each municipality was subsidized so that it could build an adequate service infrastructure. In 1993, the subsidy system had been revised. The amounts allocated were now based on estimates rather

than real costs and were no longer earmarked for special purposes. Moreover, in the past few years, decision-making in his country had become increasingly decentralized, thus giving regional and local authorities a much greater role.

7. The severe recession in Finland had dried up some of the resources available to municipalities and some of them were no longer able to provide a full range of services, particularly the more expensive services. The Ministry of Social Affairs and Health was studying that problem and the two solutions being considered were the balancing of financial risks between municipalities and the use of special State grants or subsidies.

8. Mrs. SARDENBERG said that, in some countries, the elderly had more political power than families with children. Perhaps young people in Finland were disillusioned with participatory democracy because they did not have effective ways of influencing political decisions. To counter that disaffection, it might be useful to make parents and children more aware of the provisions of the Convention. The educational system could also play an important role in that regard. Another solution would be to bring together legislators who were particularly interested in children's issues.

9. Mrs. KARP said that she would appreciate more information on the role of the guardian ad litem. Was he a lawyer or a social worker? Did he represent the child's views or did he make his own assessment of what was in the best interests of the child concerned?

10. Ms. HEILIÖ (Finland) said that the new system of guardianship had not yet been put into practice. Under the existing system for dealing with child welfare cases, the child expressed his views to a social worker, who evaluated the child's best interests and represented him in court. Courts were showing increasing interest in the precise nature of the child's own views so that judges could take them in consideration along with the social worker's assessment. In certain cases, the child was assisted during legal proceedings by a lawyer acting as the child's trustee. The presence of two judges and a social worker was required during legal proceedings involving children.

11. Mr. LITTUNEN (Finland) said that Finnish law provided for two age limits with regard to sexual relations. The first, which applied to relations between minors, was 14 years of age, and the second, which covered relations between adults and minors, was 16 years of age. Legislation in that area was currently under review and a limit of 15 years of age for both categories of relations had been proposed. Advocates of that view put forward three arguments: young people were maturing more quickly than in the past; other European countries had set the limit at 15 years; and studies showed that one third of Finnish youth had had sexual relations before the age of 15.

12. Ms. KAIVOSOJA (Finland) said that, under new legislation which would enter into force in the spring of 1996, pupils speaking a foreign language would be entitled to take a special school entrance examination in Swedish or Finnish. Under a pilot project which had been carried out in a Finnish comprehensive school, foreign students had passed language examinations in the Finnish language in their last year. The results had been sent to various vocational institutes, which had then planned remedial classes for entering students in need of them.

13. Although all Romani children attended comprehensive school in Finland, many of them had difficulties keeping up with their subjects and were placed in special classes. Few Romani children went on to study in secondary or vocational schools, despite the availability both of special guidance and of places for them in those schools. There were various obstacles to their success. First, the Romani culture was very different from the Finnish culture and, as a rule, the Romanies were poorly educated. Secondly, few Romani children benefited from preschool education. Thirdly, few statistics were available on the education of Romani children, largely because the Romani people objected to the compilation of a record concerning the education of their children. In 1994, a special education branch of the National Board of Education had been established to develop better approaches to the education of the Roma.

14. Ms. HANSSON (Finland) said that the participatory process was of little interest to most Finnish youth. Although children under the age of 18 were not permitted to vote, most of Finland's 20 political parties had programmes for children and youth. Unfortunately, those programmes had not been popular. Various school programmes emphasized the development of participatory skills; the Finnish Government should reassess their effectiveness.

15. Finland agreed that Parliament could play a larger role in promoting the rights of the child. And in fact there were special interest groups among Finnish parliamentarians that took an interest in children. Prior to elections, all Finnish candidates were concerned about children; afterwards, unfortunately, the economic recession heavily influenced political decision-making.

16. Mrs. KARP said that, when lowering the age of sexual consent, Finland should perhaps consider setting different ages for sexual relations between young people and those between children and adults in order to protect children from the potentially exploitative influence of adults. It would also be useful to know whether the age of consent was the same for both heterosexuals and homosexuals.

17. There was always the danger in protection proceedings that a social worker would allow his own biases, as well as institutional considerations, to take precedence over the interests of the child. Furthermore, the Finnish social welfare system had existed long before Finland's adoption of the Convention. What measures had Finland taken to ensure that child welfare professionals gave due weight to the views of the child and made decisions in accordance with his best interests?

18. Mrs. BADRAN said that three recent major international conferences, the Fourth World Conference on Women, the International Conference on Population and Development, and the World Summit for Social Development, had emphasized the participation of young people. Governments had in fact been requested to include youth in their official delegations. Had Finland encouraged young people to participate in those conferences? Had young people been members of the official Finnish delegations?

19. It would also be useful to know what level of education was required for social workers and what position they occupied in the decision-making

hierarchy. Had educational programmes for social workers been revised to reflect the principles of the rights of the child? Was it true that a specialization in child welfare was no longer an option and, if so, why not?

20. Mrs. EUFEMIO said that articles 3, paragraph 1, 5 and 12, paragraph 1, of the Convention related to concepts that might be difficult for social workers unfamiliar with the question of the rights of the child. Many such professionals brought their own prejudices and problems to the job. When she herself had been trained as a social worker, she had been expected to undergo psychoanalysis. Did Finland have a system for the supervision of social workers? A judge was decidedly not the best choice: the kind of supervisor she had in mind would be equipped to help a social worker better understand his own attitudes.

21. Mr. LITTUNEN (Finland) said that Mrs. Karp's comments on the age of sexual consent closely resembled proposed revisions to the Penal Code. When the age and the level of emotional and social maturity of sexual partners were close together, the sexual act would not be considered a crime. In cases where an individual took advantage of his greater age or status to influence a younger individual, the age of protection would be 18. Legislation currently in force set a higher age of consent for homosexual than for heterosexual relations; under the revised legislation, that age would be the same.

22. Ms. HEILIÖ (Finland) said that the Finnish Government had found that the decentralization of welfare services had not proven optimal: when social workers were expected to handle the full range of welfare matters, child protection cases tended to suffer. Finland had recently launched programmes for the retraining of experienced social workers in child welfare problems and many Finnish universities had started up similar programmes. A degree in social work was earned at the university level.

23. Retraining programmes were intended to make social workers aware of the danger of allowing personal biases to influence their decisions, but, of course, no system was infallible. Although Finnish social workers were not supervised, tests had been conducted in which support personnel with psychiatric expertise helped them handle difficult cases. Finland was seeking to expand that programme; unfortunately, the economic situation was now an obstacle. Even though social workers were often assisted by a team of consultants, theirs was the final decision.

24. The CHAIRPERSON invited the members of the Committee to ask questions on the sections of the list of issues entitled "Civil rights and freedoms" and "Family environment and alternative care", which read:

"Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

15. With reference to paragraphs 228-230 of the report please indicate whether the Government is considering taking any measures to respond to those students who express a preference for ethical, moral and philosophical instruction to religious education.

16. Please provide more information on the implementation of the participatory rights of children in various spheres.

17. In view of the information contained in paragraphs 54 to 59 and 19 of the report and in light of the provisions of the Convention, especially as regards article 17, please provide further information on the proposal to protect children from sexually offensive marketing.

Family environment and alternative care

(Arts. 5, 18 paras. 1 and 2, 9, 10, 27 para. 4, 20, 21, 11, 19 and 39 and 25 of the Convention)

18. With particular reference to paragraphs 264, 273, 275, 285-286, 287 (d) and 327 of the report, please provide information on the steps being taken to maintain the standards of support services and the availability of preventive measures in order to meet the needs of children in difficult situations, in particular with regard to single-parent families.

19. Is Finland a party to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption?

20. With reference to paragraphs 290 and 507 of the report, please provide further information on the programme for family reunification as well as on the procedures in place for issuing residence permits and the compatibility of this programme and these procedures with the provisions and principles of the Convention including those of its articles 2, 3, 9 10 and 12.

21. In view of the information contained in paragraph 300 concerning the implementation of the Child Welfare Act, please provide information on any additional measures being considered to ensure that the legal safeguards for children, including the best interests of the child and the right of the child to have his/her views respected and taken into account, are applied in practice with respect to procedures governing th placement of children in alternative care and the return of children to care within their family.

22. Please provide further details, including the main details of any evaluation undertaken, on the effectiveness of measures taken to protect the child from abuse, particularly sexual abuse, and neglect. What further steps are being taken to improve the training of professionals qualified to deal with child welfare matters, such as those involved in cases concerning the sexual abuse of children, including their understanding of the provisions and principles of the Convention and its application in their work? (Paras. 139-145 of the report.)

23. With reference to paragraph 134 of the report in which it is indicated that a Ministry of Justice working group is looking into the procedure of the enforcement of decisions on custody and access, please provide information on the outcome of this examination into such procedures."

25. Mrs. SARDENBERG said that the report of Finland twice mentioned the need for greater analysis of the differences between the situations of boys and girls and referred as well to the dearth of statistical data on children. What progress had been made in the collection and analysis of data, particularly with regard to the situation of girl children? How had the resulting information been incorporated into Finnish policy and law?

26. Mr. HAMMARBERG asked what conclusions and lessons the Finnish Government had drawn from the case of Hokkonen v. Finland (1994), which had been heard by the European Court of Human Rights and involved a dispute between a father and the grandparents over the custody of a child. In his view, Finland had handled that case in an impressive manner, paying close attention to the child's wishes.

27. Further clarification should be provided on the national and municipal decentralization of the social welfare system, which seemed to have isolated child professionals and reduced their effectiveness. What measures was Finland taking to solve that problem?

28. The Finnish commission that had been set up to study the sexual abuse of children had recommended that penalties should be decreased. Such a solution could well suggest that the Government did not consider sexual abuse to be a serious crime. How had the Government responded to the commission's recommendations? What legislative proposals had arisen from its work?

29. If his recommendations in a case of child abuse were contrary to the wishes of a parent or an institution, a social worker, who was bound by professional ethics to respect the principle of confidentiality, might find himself in a difficult situation because he could not discuss his recommendations in a public debate. What measures was Finland taking to ensure that the interests of the child were protected in such cases? That was a crucial problem, for, if the social worker hesitated to take action, the child ran the risk of being further abused, molested or even killed.

30. Mrs. EUFEMIO asked whether services existed to counsel families while children at risk of further abuse remained with their parents. When evidence of abuse had been found, was it the child or the abuser who was removed from the family? Was residential care available for a grandparent who had committed sexual abuse and had to be removed from the home? To what extent were grandparents involved in child care?

31. With regard to asylum-seeking parents, were family ties taken into consideration by the authorities when deciding whether to grant residence status? How were the authorities prepared for handling cases of asylum-seeking parents? Was any attention given to the destabilizing impact on children that the prolonged uncertain status of asylum-seeking parents might have?

32. On the question of calling upon the services of private, paid experts, was there any mechanism to verify whether their opinions remained objective to ensure that the best interests of the child were given priority?

33. In respect of parents who had separated, was the child allowed to stay with the parent who did not have custody pending a decision on a divorce?

34. She also asked about the prevalence of single-parent households. Were there any programmes for single mothers to offer them emotional support and help them provide a stable environment for raising their children? If a mother did not seek assistance from the authorities, could the latter approac her or must she first request help?

35. Mrs. KARP asked about attitudes and policies on domestic violence. Was the court authorized to order a child abuser to be removed from the home? Were doctors under an obligation to notify the police when they suspected tha violence was being committed against a member of the family? Were the authorities determined to deal with the problem in the framework of criminal proceedings? Was child abuse taken seriously by the police or was it regarde as a purely family matter? How were complaints investigated? Were the efforts of the criminal and social welfare authorities coordinated? Was ther any programme for treating abusers?

36. She would like to know whether legislation was planned on abused children, particularly with regard to the filing and investigation of complaints and arrangements for taking evidence from children in court in a way that protected their privacy.

37. She gathered from the report that cases of child abuse rarely led to criminal charges. How was the decision taken to remove the abuser from the home, and not the child? Was provision made for treating child abusers? How were the best interests of the child taken into consideration in the decision to punish a child abuser who was a member of the family? Was it possible for an adult to lodge a complaint that he or she had been the victim of sexual abuse as a child? Was there a policy for dealing with the overall issue?

38. Mrs. BADRAN said that, in a number of places in the report, it had been stated that the right of children to participate was guaranteed, provided that the children were mature. In her view, that argument was sometimes used to deny children that very right. As she saw it, at every stage of their development children must be given the opportunity to learn participatory skills. In what types of decisions did families allow their children to participate? What kinds of associations were children permitted to form? For example, could they start clubs outside school?

39. According to the available information, there was no discrimination between boys and girls, but men and women did not receive equal pay for the same work and many technical jobs were performed by men. What was Finland doing to offset that imbalance? Was there an educational bias that led to more men working in technical positions than women?

40. How was Finland implementing the recommendations of the World Summit for Social Development concerning the integration of minorities? Did young people participate in international conferences?

41. Mr. KOLOSOV inquired whether the recently drafted legislation aimed at ensuring equal protection for Finnish children and foreign children under Finland's jurisdiction had been finalized.

42. Had the proposal by the Minister of Justice to make child pornography a crime been implemented? Had any measure been taken to protect children against pornography conveyed by telephone? Referring to paragraph 219 of the report, it seemed to him that it was dangerous to allow children above the age of 15 to obtain pornographic pictures, visual recordings and objects.

43. Replying to Mrs. Karp's question on whether doctors were under an obligation to notify the police when cases of family abuse had become known, he said that that was a complex issue. For example, assuming that a member of a family was having an affair with another person and had suffered abuse at his hands, if a doctor notified the police, that might be regarded as an invasion of privacy and have unwanted consequences for the family.

44. Mr. LÄHTEINEN (Finland), replying to the question on discrimination between boys and girls, said that, in Finland, girls received better education than boys. For example, the percentage of girls in higher education was higher than that of boys. Admittedly, however, problems of equality remained because men continued to have higher salaries.

45. His Government did not yet treat children as a separate population group in its statistics on families, but was attempting to introduce changes in that direction. He noted in that regard that the Committee had been provided with a breakdown of disposable income by age group.

46. Ms. HEILIÖ (Finland) said that the role of grandparents had been discussed at length in Finland. A recent case of sexual abuse by a grandparent that had resulted in the child's removal from the family home had raised the question whether the abuser should be removed from the family home instead of the abused child. In another case, a father had been suspected of abusing his pre-school-age son. The suspicion had been confirmed by psychiatrists examining the child and social workers had taken steps to facilitate the parents' divorce to enable the child to remain with his mother, but the divorce had not gone through. The case had been taken to court and the child put into care. The parents had taken as proof of the father's innocence the court's failure to sentence him.

47. It could, moreover, not always be guaranteed that a child's rights would be adequately safeguarded in his extended family. Even if a child was placed with his grandparents, abuse by a parent could continue, as access to the child would still be easy as shown in a recent case in which a child had continued to be abused by his father for two years while in the care of his grandparents and the abuse had gone undetected despite close monitoring of the family by psychiatrists during that period.

48. Since it was not the Finnish custom to live in extended families, a child being cared for by his grandparents would in essence create a new nuclear family. Experience in Finland had shown that, while grandparents were good substitute parents for young children, age differences frequently led to

problems during the teenage years. It was often better for the child to be given an alternative home and for the grandparents to continue to play their customary role.

49. The statements of private experts could be heard in court in Finland an judges therefore had a duty not to allow any bias to have an unfair impact o the outcome of cases, particularly those relating to custody. As proceedings relating to the custody of or access to children were sometimes very lengthy, the court could hand down an interim decision pending the final outcome. In practice, however, judges were unwilling to implement that measure because, i cases where the final decision differed from the interim one, the result coul prove disruptive for the child. There were, moreover, no clear-cut solutions when parents were in disagreement with one another.

50. Mr. LÄHTEINEN (Finland) said that, under Finnish legislation, all children under the age of seven were entitled to places in day-care centres, which formed part of the education system. In cases where one parent was unemployed, the child might be entitled to a place on a half-day basis. During the 1970s and 1980s, when there had not been enough places for all children, priority had been given to single-parent families, enabling those parents to go to work. Special programmes were currently available to assist single parents in view of their more vulnerable family status. Family problems could be detected through observation of children in day-care centre and families put in contact with the voluntary family counselling system.

51. Ms. HEILIÖ (Finland), replying to a question on the participatory rights of children, said that one of the basic aspects of the retraining programme for social workers now under way was to teach social workers to listen not just to children's words, but also to the message they were trying to convey. They had to take account not only of the child's maturity, but also how he ha been taught to express himself and the opportunities he had been given to do so. An act revising the procedure for the enforcement of decisions on child custody and rights of access that was being considered by Parliament provided that, in order to protect the best interests of the child, a conciliator qualified in child protection or family counselling matters should hear the views of the child and interpret them to the authorities.

52. Ms. PIETARINEN (Finland), referring to the participation of children in international conferences, said that they had not yet been appointed as members of the official delegations to international summit meetings or conferences. In view of the importance attached to such conferences final reports were translated into Finnish and published and distributed to the public, to organizations and to some libraries. On the occasion of the fiftieth anniversary of the United Nations, a four-day exhibition had been organized primarily for children, providing them with information on international summit meetings and conferences. A project involving child participation in environmental planning was to be introduced in Leipzig, Germany, in May 1996 at a meeting organized by the Council of Europe.

53. As to further ways in which children were encouraged to participate in public life and to learn to be active members of society, she said that, prior to official parliamentary or presidential elections, many schools organized their own shadow elections, which clearly revealed young people's opinions

and, in some cases, affected older voters. Schools also had student councils composed of older students, whose main purpose was to plan and enhance student cooperation and school activities. The councils usually appointed two members to the school's board of governors. In vocational institutions, staff and students' representatives formed special cooperation bodies. Teaching methods providing students with an active role were increasing in both schools and vocational training institutions and the most important aim of school curricula was to teach pupils to become active members of society.

54. Ms. HEILIÖ (Finland) said that Finnish children enjoyed a higher level of involvement in family matters than many others. Under Finnish legislation, children had an independent role and were respected as individuals. The Child Custody and Right of Access Act stipulated that parents had the obligation to consult children when decisions were being taken on their behalf, taking their level of maturity into due consideration. With regard to attitudes to upbringing, she said that, under Finnish law, parents were denied the right to strike their children, and instead had to discuss matters with them, explaining their wishes and expectations.

55. Mr. LITTUNEN (Finland) said that the constitutional amendment on the rights of children related to all persons under Finnish jurisdiction. The new provisions on fundamental rights had come into force on 1 August 1995. Work to ensure that all other legislation was in compliance with the Constitution had not yet been completed.

56. No final decision had yet been taken about the possession of child pornography. A Government proposal was under preparation and the Government view was that the possession of child pornography should be made punishable, but Parliament would ultimately decide on the issue. In connection with preventing children from listening to telephone sex services, the Ministry of Justice had made a proposal to the Ministry of Communications that access to such lines should be made technically impossible for children. The Ministry of Communications was still debating technical methods to stop such access.

57. On the subject of age limits relating to the purchase and distribution of pornographic material, he said that video cassettes could not be distributed to persons under the age of 18, that children under 16 were not allowed access to films being screened at cinemas and that plans had been made to set a 15 year age limit on the purchase of printed material, a matter on which further consideration was necessary and on which no final decision had been made.

58. As to penalties for child abuse and possible plans to reduce such penalties, he said that the intention was to include a new chapter on sexual offences in the Penal Code. That proposal had not yet been submitted to Parliament. He did, however, not consider that the penalties would be reduced. The most serious sexual abuse of children currently resulted in a maximum penalty of 10 years' imprisonment, while the most lenient one was a maximum of 2 years' imprisonment; both those penalties would remain the same in the new legislation.

59. Mrs. SARDENBERG, referring to data collection as an important tool for the implementation of international instruments and in particular, the Convention on the Rights of the Child, noted that the Finnish delegation had said that one of the functions of the Ombudsman was to collect and coordinate data from different sectors. She presumed that Finland had a comprehensive high-level system of data collection, including a specific area relating to children. The Ombudsman's role should, however, relate more to the protection of children than to data collection and coordination. Some countries had set up national commissions whose role was to coordinate policies and services, to discuss budget allocations and to liaise with the provincial and central authorities, while the Ombudsman's work was more closely connected with protection, the redress of violations and independent monitoring to identify gaps in the system.

60. Mr. HAMMARBERG said it was essential that there should be no signal from the legislative body that sexual abuse was not regarded as a very serious crime. With regard to the possession of pornographic material, such as video cassettes, he said that, each time a person viewed such a cassette, the integrity of the child appearing in the film was violated; the violation was not restricted to just the making of the film.

61. He welcomed the progress being made in respect of children's access to telephone sex services and stressed that it was very important for such telephone services to be shut down, as they were an encouragement to paedophiles.

62. Mrs. BADRAN asked whether, in view of the high incidence of suicide among children and young people, there was an educational programme for both families and professionals to enable them to monitor the social and emotional development of children in the family and to help prevent future suicides.

63. Mr. KOLOSOV, referring to the age at which children could have access to pornographic material, said that, in most developed democratic countries, such as the United States and the United Kingdom, admittance to sex shops was always advertised as being prohibited to any person under the age of 18 or, in some cases, even 21. In his view, it should not be acceptable in Finnish society for children of 15, 16 or 17 to have access to such material.

The meeting rose at 1.05 p.m.